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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAKOTA JEREMIAH PEVINO,

Defendant.

CASE NO. 2:23-cr-00288-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: April 9, 2024
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 9, 2024.
2. By this stipulation, defendant now moves to continue the status conference until June 18, 2024, and to exclude time between April 9, 2024, and June 18, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 1700 pages/ items/ files of discovery in this case, including search warrant photos, bank records and interview recordings. Additional evidence, consisting of multiple electronic devices and video evidence, is available for defense review at a government office, and an attorney for the defendant has reviewed some of the electronic evidence at the U.S.

1 Attorney's Office, pursuant to 18 U.S.C. §3509(m).

2 b) A continuance is requested because counsel for the defendant needs additional
3 time to conduct investigation, review materials collected during the government's investigation
4 to date, and perform legal research. Additionally, one attorney for the defendant is currently in a
5 trial being conducted in state court, which is expected to last well into the month of April.

6 c) Counsel for defendant believes the failure to grant a continuance in this case
7 would deny defense counsel reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence, and for continuity of counsel.

9 d) The government joins in the request for the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of April 9, 2024 to June 18, 2024,
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
16 because it results from a continuance granted by the Court at defendant's request on the basis of
17 the Court's finding that the ends of justice served by taking such action outweigh the best interest
18 of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

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24 Dated: April 3, 2024

PHILLIP A. TALBERT
United States Attorney

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27 /s/ CHRISTINA McCALL
CHRISTINA McCALL
Assistant United States Attorney
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1 Dated: April 3, 2024

/s/ MARK REICHEL

MARK REICHEL

Counsel for Defendant

DAKOTA JEREMIAH PEVINO

6 **ORDER**

7 The Court has read and considered the parties' Stipulation. The Court ORDERS that the status
8 conference be **CONTINUED** to **June 18, 2024, at 09:00 a.m.** The Court hereby finds that the
9 Stipulation, which the Court incorporates by reference into this Order, demonstrates facts that provide a
10 basis to exclude time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
11 Code T4]. Time is excluded under the Speedy Trial Act between April 9, 2024, and June 18, 2024.

12 Dated: April 03, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ

SENIOR UNITED STATES DISTRICT JUDGE